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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shunji Nakata

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08/14/2002

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EXAMINER

COX, CASSANDRA F

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/871,810

Applicant(s)

NAKATA ET AL.

Examiner

Cassandra Cox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
2. In addition the citation on page 10, line 3 is improper. The applicant should clearly state what the letters "SSDM" represent.
3. The information disclosure statement filed 6/4/01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the reference that has been crossed out has not been considered.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In line 8 of claim 1, after the word "collected" insert "--and returned--". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable

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one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 is non-enabled because it is not clear to the examiner how "power supplied to a load is at least partially collected to said charge recycle power source,". The specification fails to provide an adequate explanation of how this step is being performed. Correction or clarification is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "gradually" in claim 1 is a relative term which renders the claim indefinite. The term "gradually" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

9. Claim 4 recites the limitation "said pair of D-latch circuits" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 5 recites the limitation "said D-latch circuit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 5,994,935) in view of applicant's admitted prior art.

In reference to claim 1, Ueda discloses in Figure 1, a register circuit (which is seen to be the same as the flip-flop circuit) having a plurality of n-channel MOSFET transistors (MN1-MN10) and a plurality of p-channel MOSFET transistors (MP1-MP4), accepting an input data (DI, DIB), and a clock signal (CK, CKB), and providing an output data (DO, DOB), the clock signal (CK, CKB) being a power clock signal (which is seen to be any clock signal capable of providing power to the circuit) having a rising and falling waveform (the term gradually is not given any patentable weight because it is indefinite). Ueda does not disclose that a charge recycle power source is used to generate the clock signal. Applicant's admitted prior art (see specification page 10, lines 1-3) discloses that it is well-known that waveform generator 30 (which is seen to be the charge recycle power source) can be used to generate the power clock signal in which power supplied to a load is partially collected and returned to the charge recycle power source, and the inequality ( $|V_{TN}| + |V_{TP}| \geq VDD$ ) is satisfied. It would have been obvious to one of skill in the art at the time of the invention that the well known waveform generator of the applicant's prior art could be used in association with the register circuit of Ueda as a means of generating the required clock signal. Since Ueda does not disclose a particular means for generating the clock signals (CK, CKB) any waveform generator could be used and the switched capacitor circuit is one example of such.

In reference to claim 2, Ueda discloses in the ABSTRACT that the register circuit (flip-flop circuit) comprises two latch circuits (which are seen to be D-latch circuits) with an input of a second D-latch circuit coupled with an output of a first D-latch circuit (which is seen to be the cascade connection of the two latches), a first D-latch circuit accepts a first power clock signal (CK), and a second D-latch circuit accepts a second power clock signal (CKB) which is different by 180° phase of the first power clock signal (which can be seen in Figure 2B).

In reference to claim 3, applicant also discloses in the admitted prior art (see Figure 17) a D-latch circuit (70) comprising a pair of NOR circuits (71, 72) with one of the inputs of each NOR circuit (71, 72) being coupled with an output of the other NOR circuit (71, 72), and a pair of AND circuits (73, 74) each accepting an input data (D, DN) in differential form and a power clock signal (CK), and providing an output to the other input of each of the NOR circuits (71, 72). This is seen to be an alternate method of designing a D-latch circuit that is well known to one of ordinary skill in the art.

In reference to claim 5, Ueda discloses in Figure 12, a well-known latch circuit comprising a memory element having a first inverter (INV1) providing an output (DO) of the D-latch circuit, a second inverter (INV2) with an input coupled (through transmission gate TG3) with an output of the first inverter (INV1), and a first transmission gate (TG4) connecting an output of the second inverter (INV2) to an input of the first inverter (INV1), and a second transmission gate (TG2) inserted between an input terminal (DIB) and an input of the first inverter (INV1).

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 703-306-5735. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and on alternate Fridays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (703)-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

CC  
AC  
August 8, 2002

  
Kenneth B. Wells  
Primary Examiner